
Public Notice

Applicant:

Tioga County
Industrial Development Agency (IDA)

Date:

Published: April 12, 2002
Expires: May 11, 2002

**U.S. Army Corps
of Engineers****In Reply Refer To:**

Buffalo District **CELRB-TA-R RE: 2002-01089(0)** **Section: NY 404**

Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).

The Tioga County Industrial Development Agency, 56 Main Street, Owego, New York 13827 has applied for Department of the Army authorization to fill approximately 0.48 acres of jurisdictional wetland and 2,370 linear feet of Smith Creek and adjacent tributaries to construct a warehouse distribution center and associated sewage treatment facility for Best Buy Incorporated. The warehouse/distribution center is proposed to be located east of New York State Route 17 and south of Stanton Hill Road and the sewage treatment facility is proposed to be located off East River Road. The entire project is located in the Town of Nichols, Tioga County, New York (see sheet number 1 of 16).

In 1998, Governor of New York State, George E. Pataki implemented the Build Now-New York Program. The program identified seven land use categories for economic development. The categories included research and development, manufacturing, light industrial, office, warehouse/distribution, mixed use, and retail. Criteria used for site selection included a minimum of 50 acres with relatively flat topography, good access to an interstate or U.S highway and access routes designated for 53-foot long trucks. In addition, parcel geometry must be square to rectangular with little or no outparcel intrusions that would impact site utilization or traffic flow. Based on the land use and site criteria, the Tioga County site has been designated as a Build Now-New York site.

The warehouse/distribution site is 150 acres in size. The vegetative community consists of upland forests, meadows, agricultural fields, white pine stands, forested, shrub and emergent wetlands, floodplain forests, streams and adjacent tributaries. Hunts Creek, Smith Creek and two intermittent tributaries to Smith Creek are located within the project boundary. In addition, approximately 3.7 acres of jurisdictional wetland, designated as Wetlands A (1.85 ac), B (1.70 ac) and C (0.11 ac) have been delineated on site. Wetlands A and B are part of an intermittent tributary to Smith Creek. Wetland C is located immediately adjacent to Smith Creek. All wetlands and streams on site are contiguous to the Susquehanna River, a navigable waterway.

Project impacts associated with the construction of a 1.6 million

square foot warehouse/ distribution facility, associated parking areas and access roads as per sheet number 2 entail:

a) the filling of 0.37 acres of Wetland B for an access road and parking lot as per sheet number 8.

b) the filling of 1,730 linear feet of a narrow intermittent tributary to Smith Creek, located north of Wetland B, to construct the warehouse/distribution center and adjacent parking areas as per sheet number 4. The stream flow out of Wetland B will be permanently relocated in an easterly direction to reconnect the stream to Smith Creek. Approximately 950 linear feet of new stream channel will be constructed to mitigate the fill activity as per sheets 3-5.

c) the filling of 400 linear feet of a small intermittent tributary to Smith Creek to construct an access road and parking area as per sheet number 9.

d) the filling of 240 linear feet of Smith Creek channel and associated wetland (0.11 acres of Wetland C) to construct an access road and to relocate the existing stream channel. Approximately 350 linear feet of new stream will be constructed approximately 60 feet east of the existing stream to mitigate for the fill activity as per sheet numbers 9 and 10.

e) the discharge of rock rip rap below the OHW of Hunts Creek to stabilize approximately 150 linear foot of bank as per sheet number 11. The activity can be authorized under Nationwide Permit No. 13.

Project impacts associated with proposed Wastewater Treatment Plant as shown of sheet number(s) 2 and 7 entail:

a) the discharge of 13 cubic yards of material below the OHW of Hunts Creek near it's confluence to the Susquehanna River to install a sand bag cofferdam and a sewer line as per Sheet number 13.

b) the discharge of 30 cubic yards of material below the OHW of the Susquehanna River to install a sewer outfall rock rip rap apron and 22 cubic yards of fill to install a temporary sandbag cofferdam per Sheet number 14.

The proposed activities associated with the wastewater treatment facility are authorized by Nationwide permits 7, 12 and 33.

To compensate for filling of 0.48 acres of wetland and 2,130 linear feet of stream impacts, Tioga County IDA proposes to construct 1,290 feet of new stream channel on-site and create 0.8 acres of new scrub shrub wetland. In addition, approximately 4.5 acres of riparian buffer zone and 7.5 acres of upland buffer zone will be created within the Smith Creek floodplain as per sheet numbers 15 and 16.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Sandra L. Doran, who can be contacted by calling (315) 255-8090, or by e-mail at: sandra.l.doran@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021-8964, and should be marked to the attention of Sandra L. Doran, or by e-mail at: sandra.l.doran@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

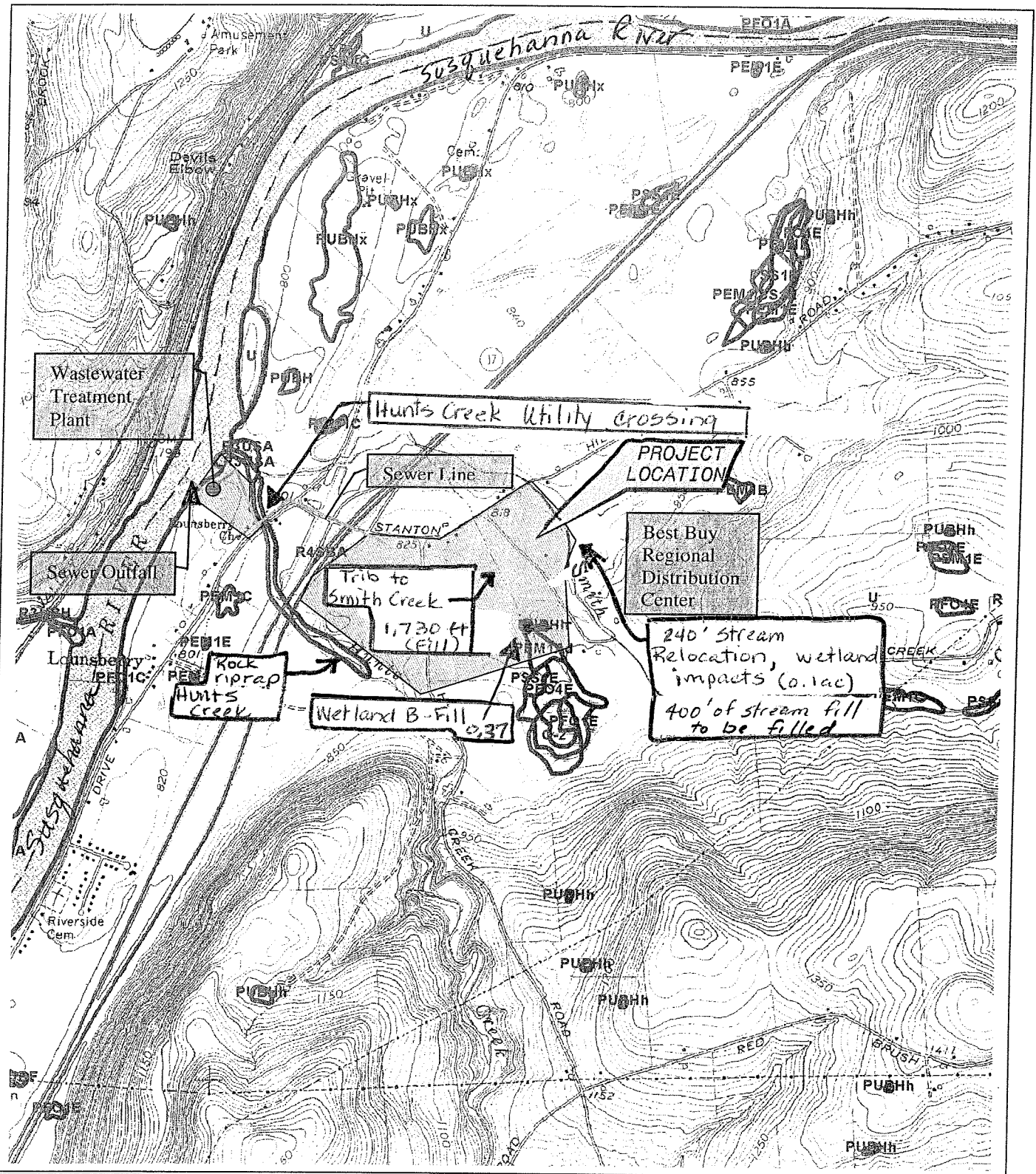
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



Key: — DEC Wetland (typ)

— NWI Wetland (typ)



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NYS Regulated Wetlands\National Wetlands Inventory Map

Scale 1" = 2000'

CHA File No:
11023.1001.1101

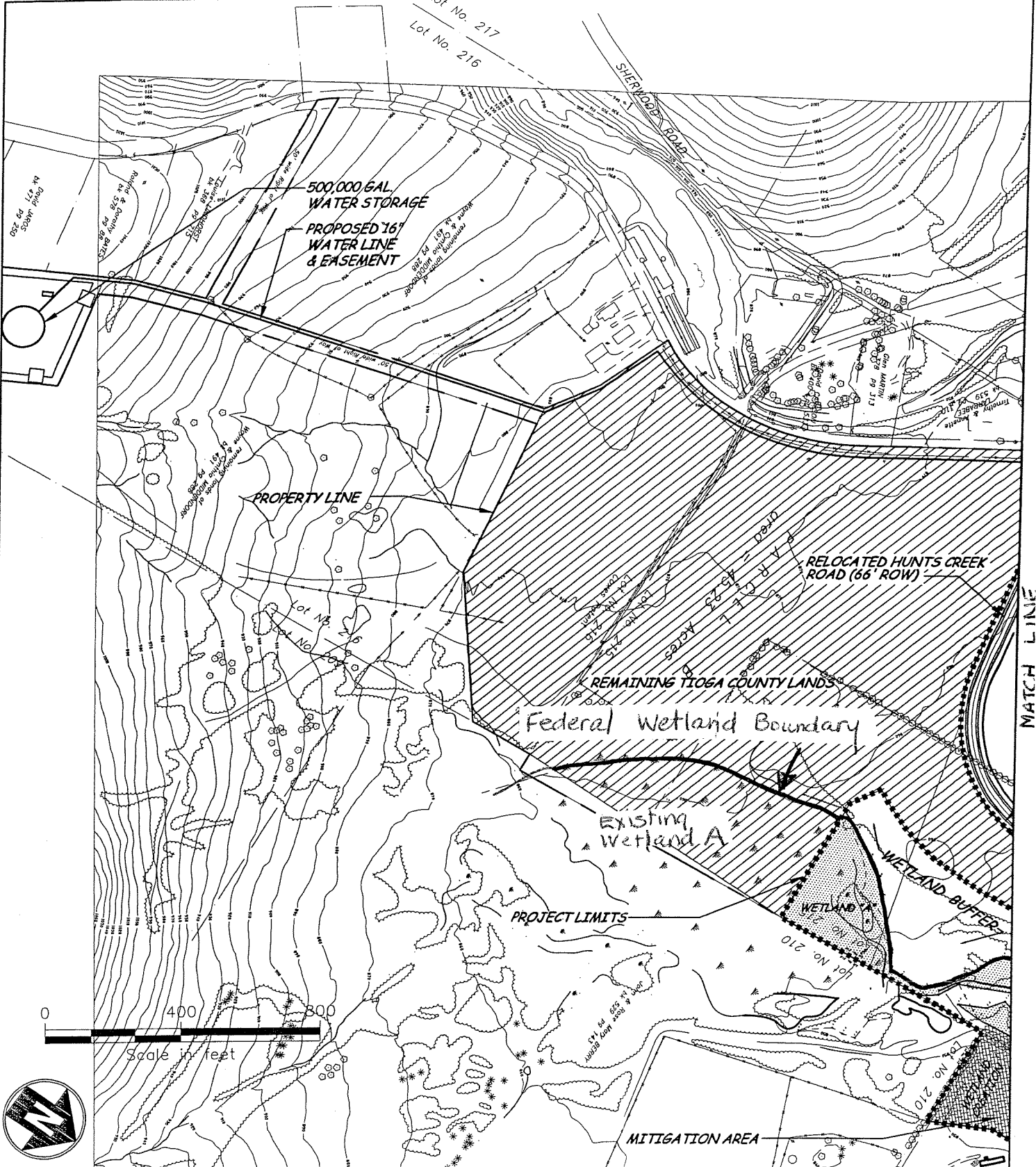
TIOGA COUNTY IDA
Processing No. 2002-01089(0)
Tioga County, New York
Quad: OWEGO
Sheet 1 of 16

Summary of Project Impact & Mitigation

Natural Feature	Community Type	Total Wetland Area or Stream Length w/in Project Limits	Impact
Warehouse Dist Site			
Intermittent trib. of Smith Creek	Channelized stream with forested banks	2,330 feet stream	Fill length for warehouse distribution building & parking = 1,730 feet (fill area = 0.20 acre) <i>Sheet 4</i>
Small intermittent trib. east of Smith Creek Road	Forested banks	400 feet stream	Fill length for road and parking = 400 feet (fill area = 0.04 acre) <i>Sheet No. 9</i>
Smith Creek	Rock bottom stream w/ forested floodplain	1,650 feet stream	Discharge of 1,066 cubic yd. of fill below OHW* for road & stream relocation. This includes a fill length of 240 linear feet (0.27 acre of fill placed in stream) , 0.11 acre of adj. Wetland)* <i>Sheets 9 + 16</i>
Wetland A	Mixed deciduous forest w/ emergent and scrub/shrub communities	1.85 acres	None
Wetland B	Wet meadow w/ scrub/shrub edge	1.70 acres	<i>Sheet No. 8</i> Fill placed in wetland = 0.37 acre
Wetland C	Scrub/shrub riparian (backwater of Smith Creek)	0.11 acre	* Fill placed in wetland = 0.11 acre <i>Sheet No. 9</i>
Hunts Creek (at warehouse dist. site)	Rock bottom stream w/ forested floodplain	1,800 feet	150' Streambank Protection Discharge of 44 cubic yd. of fill (rip rap) below OHW* (< 1 cubic yd./RF) <i>Sheet 11</i>
WWTP Site			
Hunts Creek (at WWTP site)	Rock bottom stream w/ meadow floodplain and tree-lined west bank.	Easement only. Not owned by Tioga County	Temporary discharge of 13.3 cubic yd. below OHW* for sandbag cofferdam (approx. dimensions 30' long X 6' wide at base X 2'). Temporary discharge and backfill of 22 cubic yd. for utility line crossing. <i>Sh. # 13</i>
Susquehanna River	River with forested banks and meadow floodplain	Easement only. Not owned by Tioga County	Rip rap apron at sewer outfall = 29.6 cubic yd. below OHW* <i>Sh. # 14</i> Temporary sandbag cofferdam = 50' X 6' X 2' avg. depth (OHW) = 22.2 cubic yd.
PROPOSED on-site MITIGATION	Community Type	Sheet No.	Quantities
Wetland Creation	Scrub-shrub	<i>16</i>	0.80 acre
Smith Creek Relocation	Scrub-shrub & emergent with forested banks	<i>15 + 16</i>	340 feet
Smith Creek Buffer	Forest & Scrub-shrub	<i>"</i>	Approx. 2 acres
Stream Replacement		<i>"</i>	950 feet
Floodplain Creation	Riparian	<i>"</i>	1.5-2.5 acres
Upland Buffer	Forest & Scrub-shrub	<i>"</i>	6.5-7.5 acres

*OHW – Ordinary High Water

Lot No. 217
Lot No. 216



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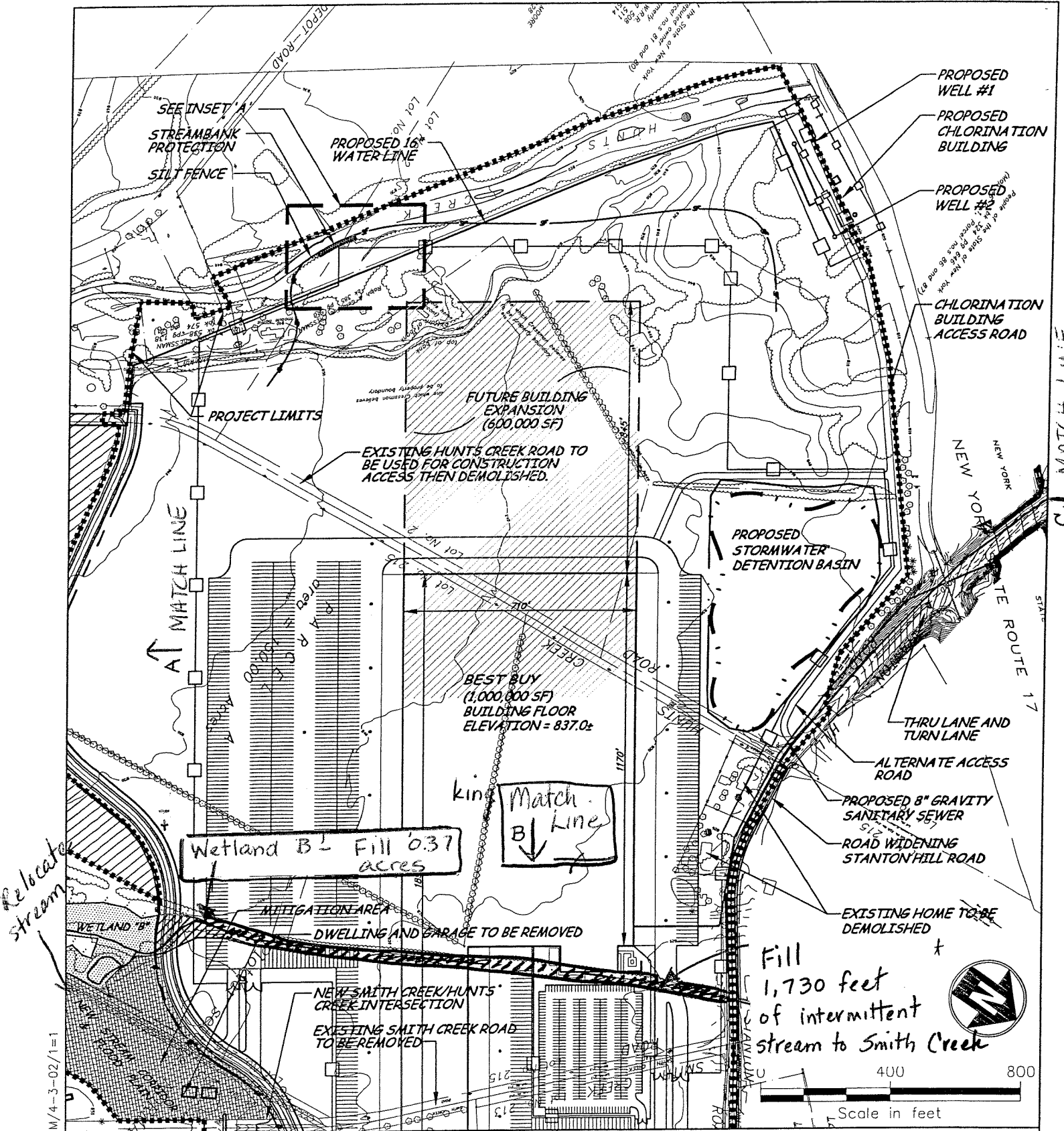
THE GALLERIES OF SYRACUSE
441 SOUTH SALINA STREET
SYRACUSE, NEW YORK 13202 315-471-3920
CHA PROJECT NO.: 11023

SCALE: AS SHOWN DATE: 4/3/02

BEST BUY REGIONAL DISTRIBUTION FACILITY

TIOGA COUNTY IDA
Processing No. 2002-01089(0)
Tioga County, New York
Quad: OWEGO
Sheet 3 of 16

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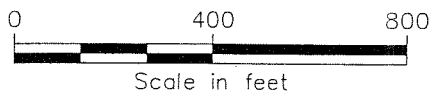
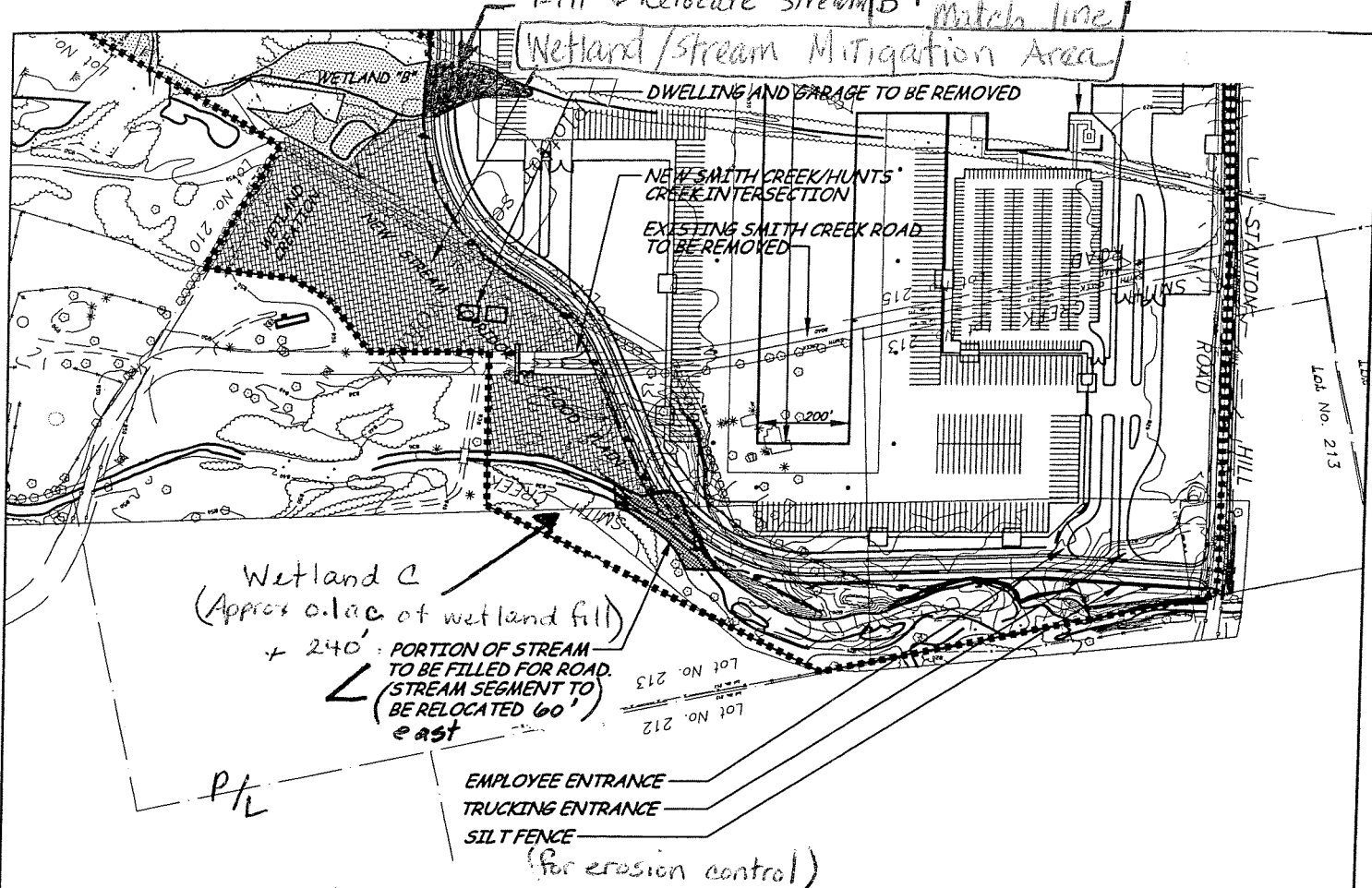
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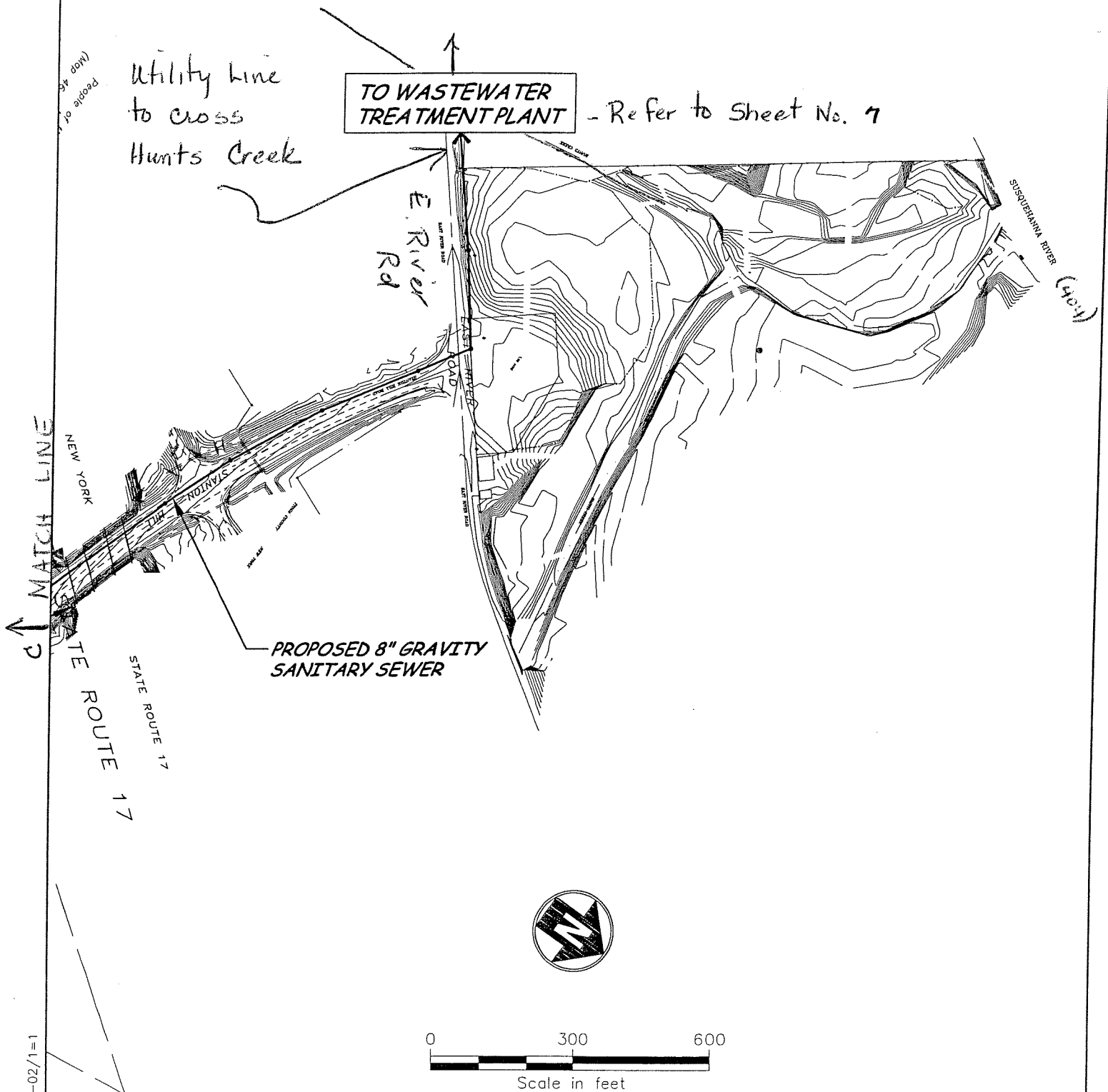
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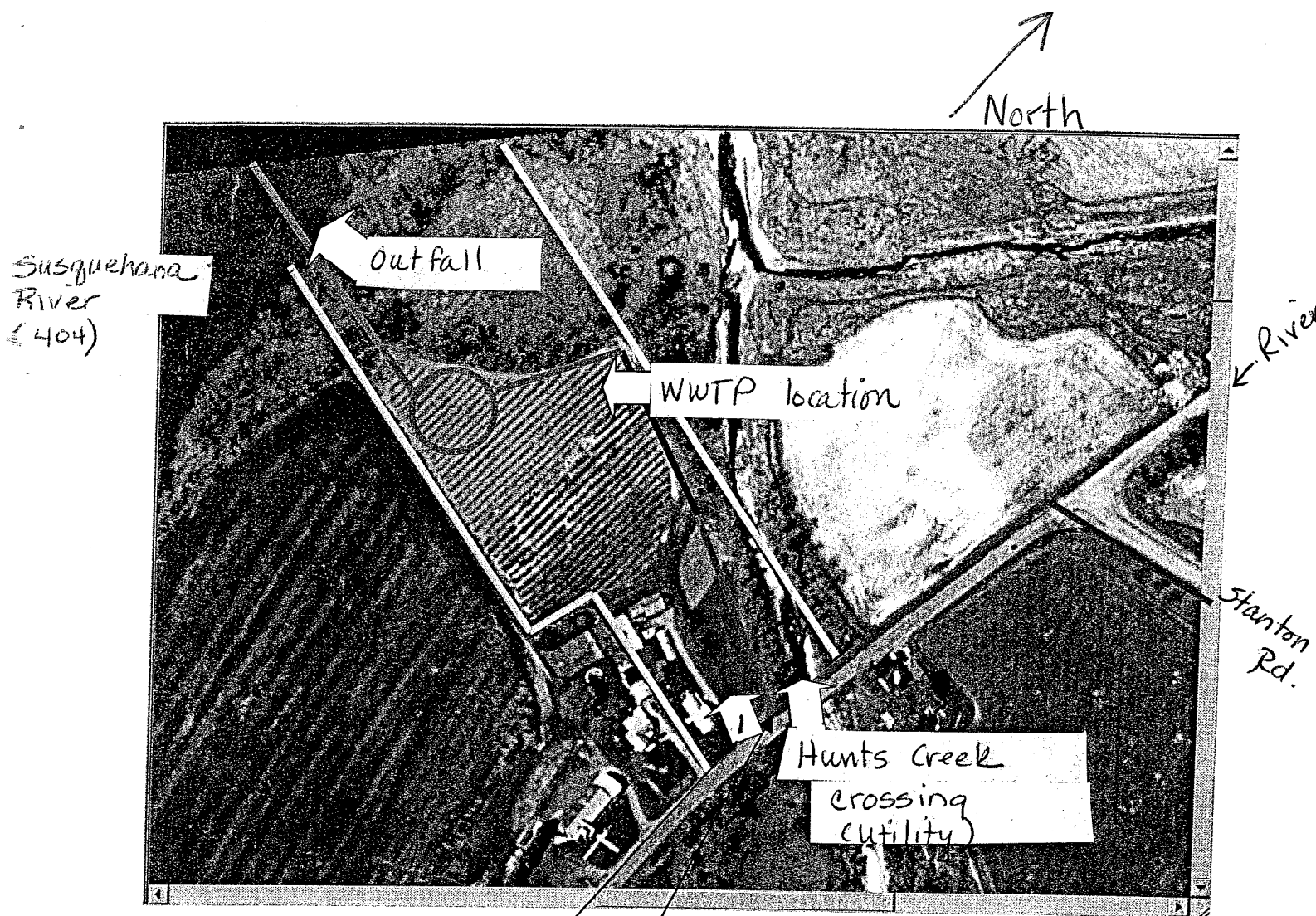
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**BEST BUY REGIONAL
DISTRIBUTION FACILITY**

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Tioga County, New York
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Sheet 6 of 16



① The Barto Site - WWTP

Pump Station
(Upland location)

Proposed Wastewater treatment facility

Impacts: Hunts Creek Utility Line Crossing requires 13 cubic yards of fill placed below Ordinary High Water to construct a temporary cofferdam (30 x 6) and temporary impacts associated with trench and backfill method.

Outfall structure at Susquehanna River Place rip rap at apron at sewer outfall (30 cubic yards) and 50 x 6 temporary cofferdam (22 cyds)

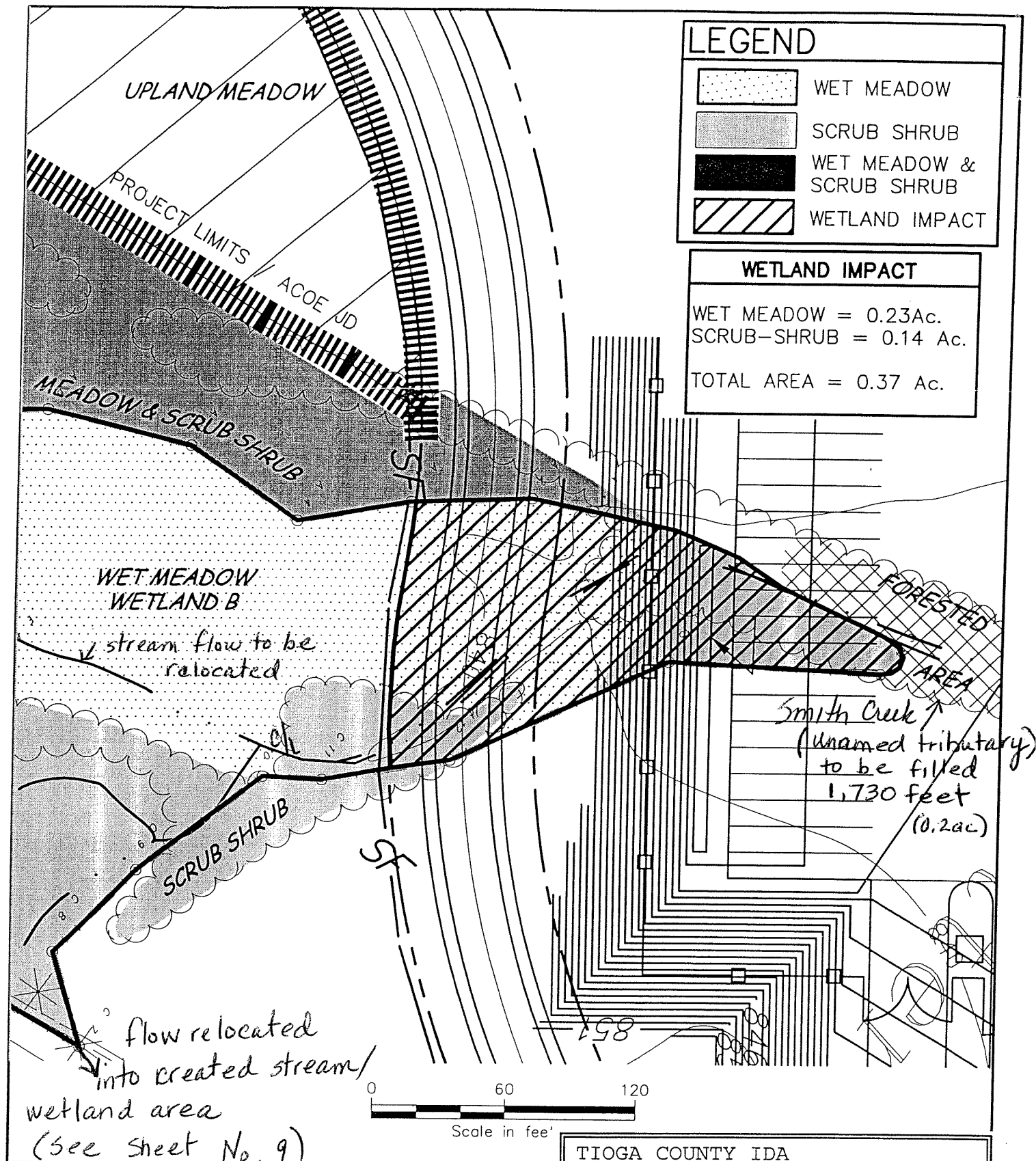
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 Processing No. 2002-01089(0)
 Tioga County, New York
 Quad: OWEGO
 Sheet 7 of 16

LEGEND

	WET MEADOW
	SCRUB SHRUB
	WET MEADOW & SCRUB SHRUB
	WETLAND IMPACT

WETLAND IMPACT

WET MEADOW = 0.23Ac.
 SCRUB-SHRUB = 0.14 Ac.
 TOTAL AREA = 0.37 Ac.



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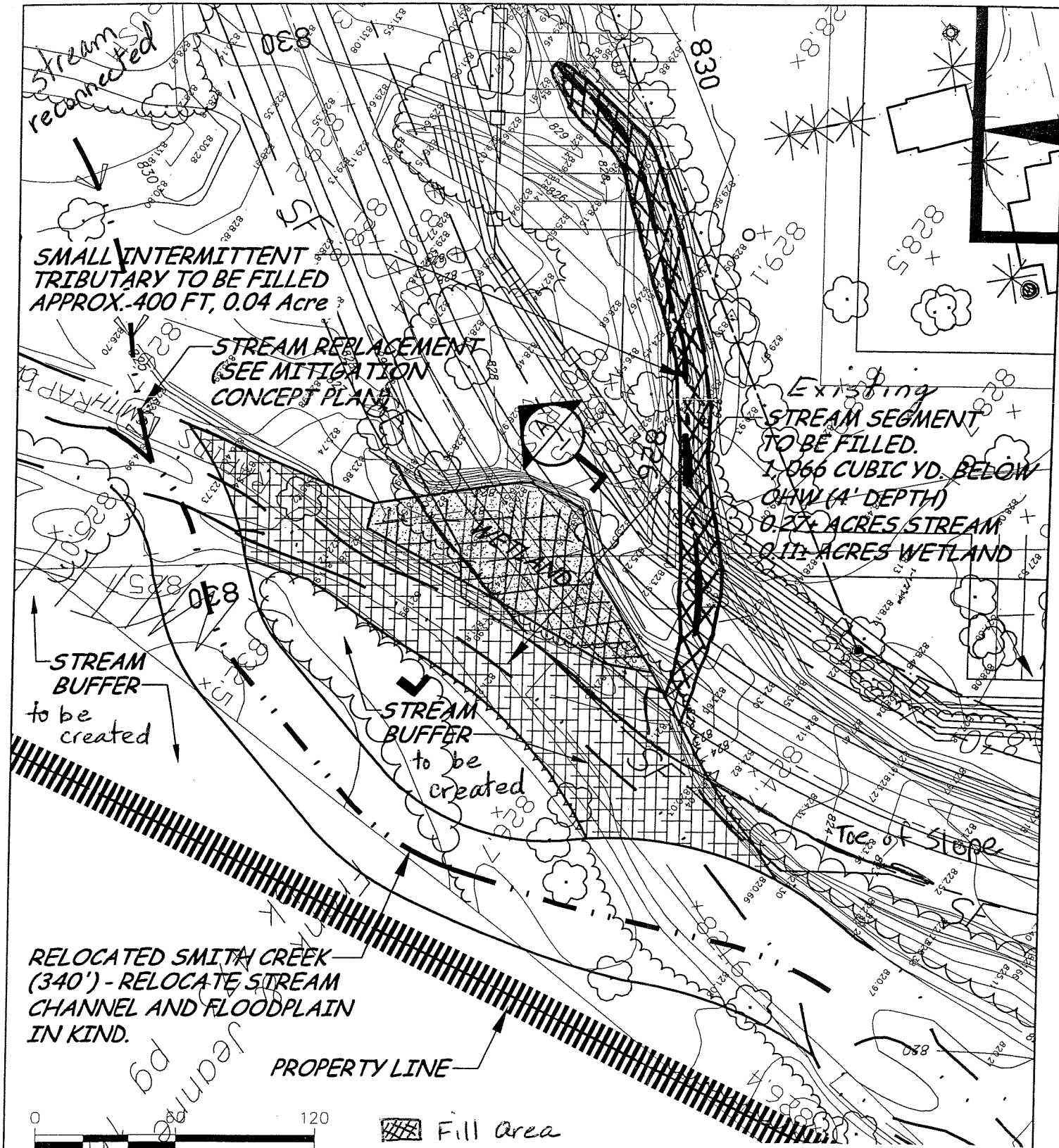
CHA PROJECT NO.: 11023

TIOGA COUNTY IDA
 Processing No. 2002-01089(0)
 Tioga County, New York
 Quad: OWEGO
 Sheet 8 of 16

WETLAND B IMPACT

DATE: 3/1/02

FIGURE _



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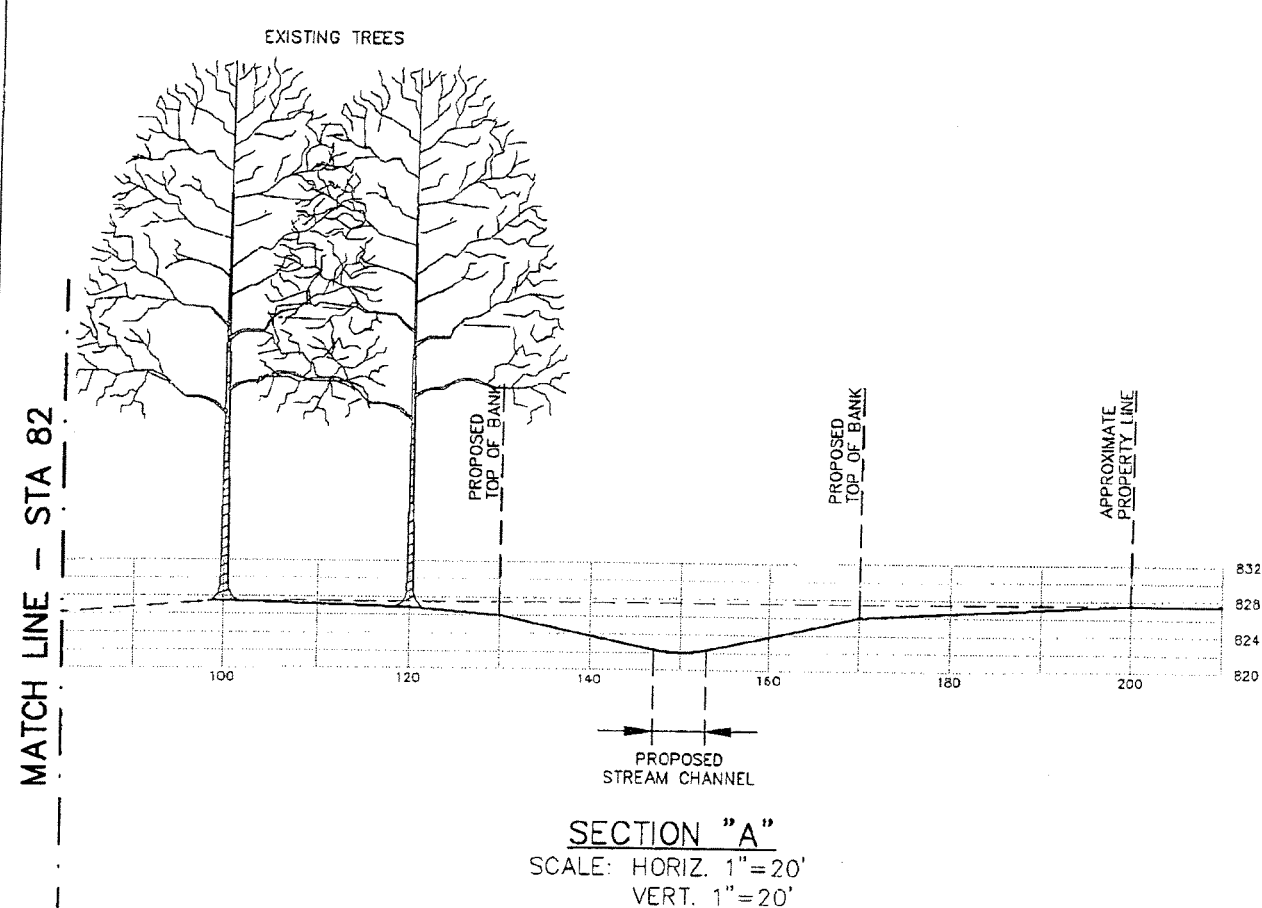
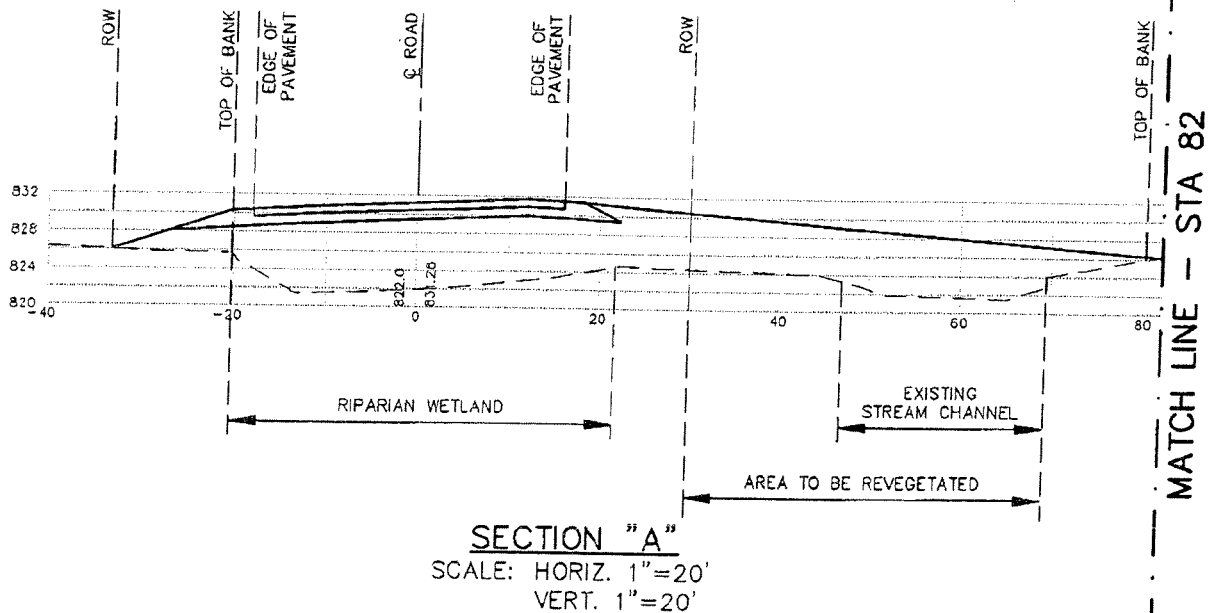
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CHA PROJECT NO.: 11023

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Processing No. 2002-01089(0)
Tioga County, New York
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Sheet 9 of 16

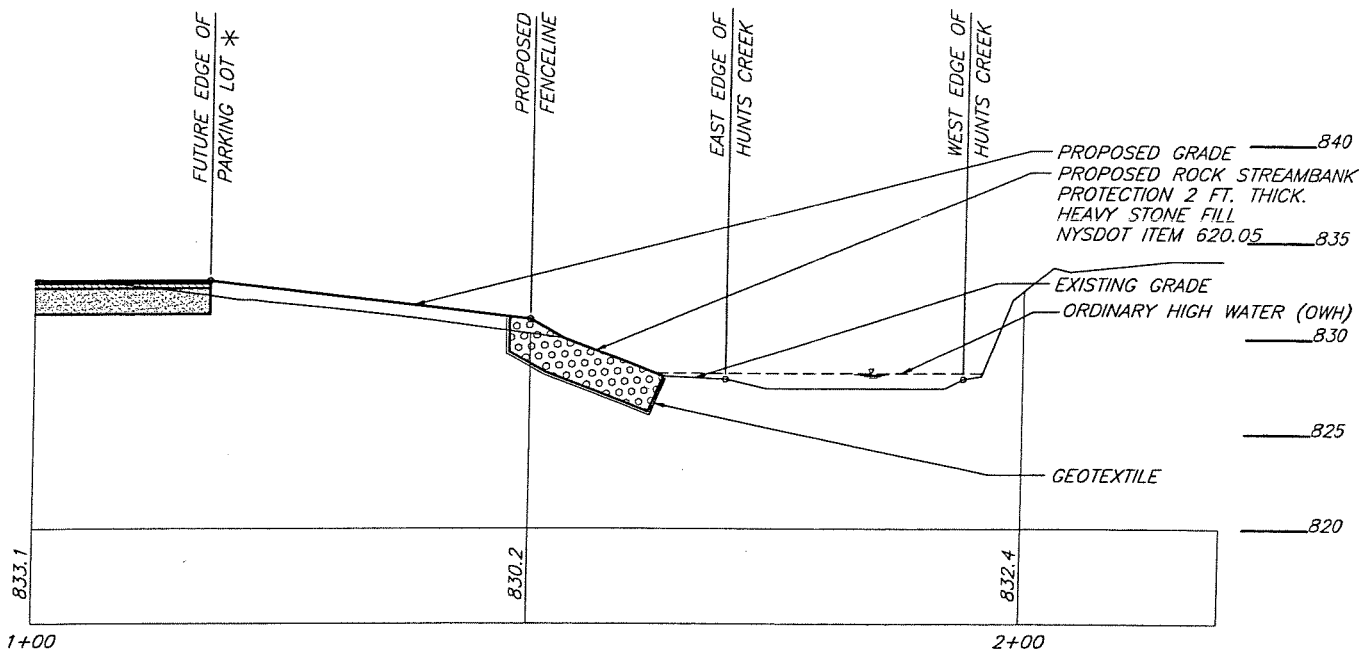
SMITH CREEK IMPACT AND
STREAM RELOCATION

DATE: 3/1/02



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	CONCEPTUAL SMITH CREEK FILL SECTION
SCALE: AS SHOWN	DATE: 4/5/02

TIOGA COUNTY IDA
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 Sheet 10 of 16



TYPICAL STREAMBANK PROTECTION ALONG HUNTS CREEK

Nw 13

PROJECT IMPACT
= 150' STREAMBANK PROTECTION
= 44 CUBIC YARDS BELOW OHW
(*< 1 cy/running foot*)

* **NOTE:**
ALL DRAINAGE FROM PARKING LOT
WILL BE COLLECTED WITHIN THE
STORM DRAINAGE SYSTEM AND
DIRECTED TO ONE OR MORE
DETENTION BASINS. THERE WILL
BE NO DIRECT DISCHARGE
(i.e., SHEETFLOW) TO HUNTS CREEK.

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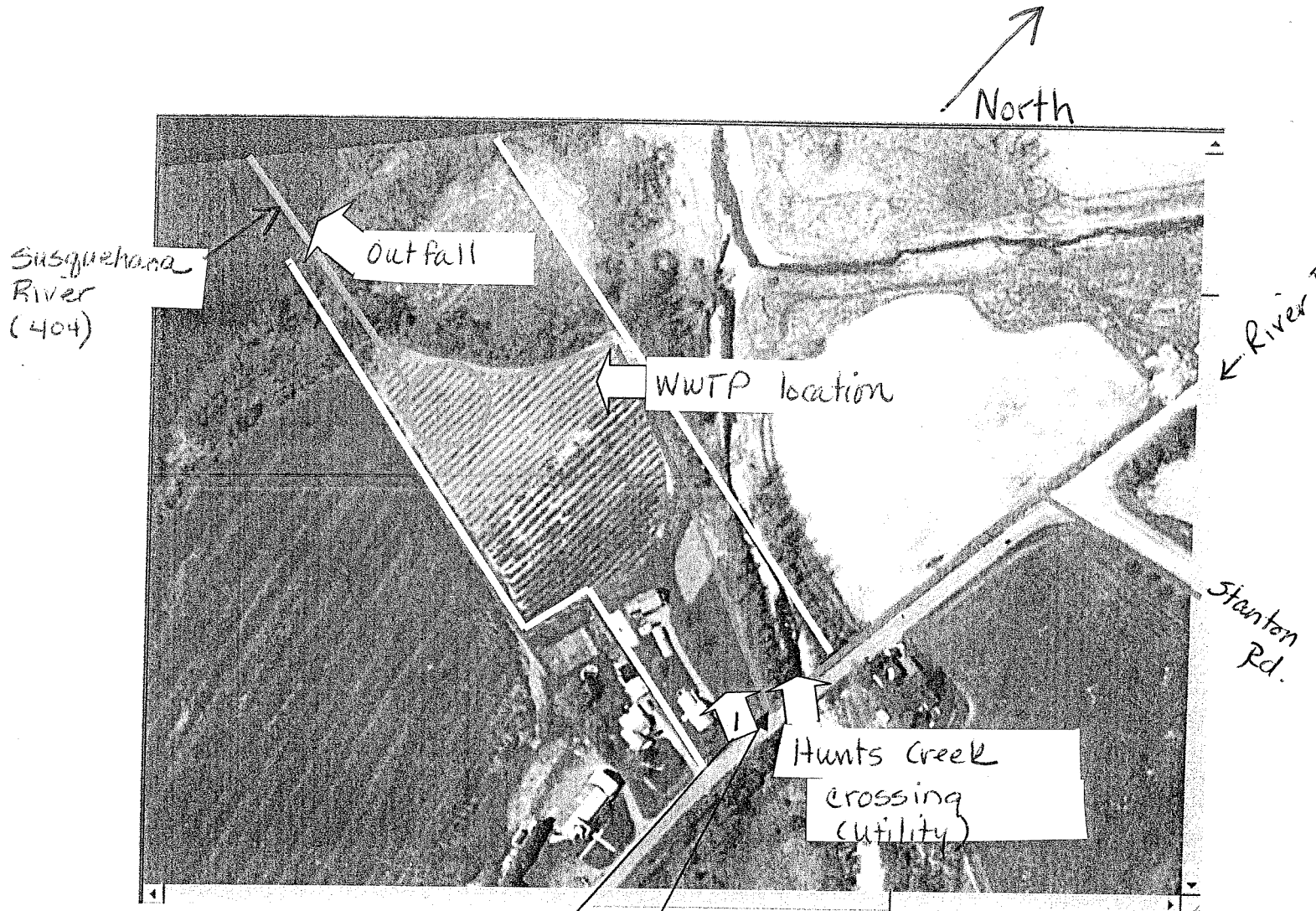
CHA PROJECT NO.: 11023

**BEST BUY REGIONAL
DISTRIBUTION FACILITY**

**STREAM BANK
PROTECTION DETAIL**

SCALE: H, 1"=20' ; V, 1"=10' | DATE: 4/1/02

FIGURE 3



① The Barto Site - WWTP
 Wastewater
 Treatment
 Center

Pump Station
 (Upland location)

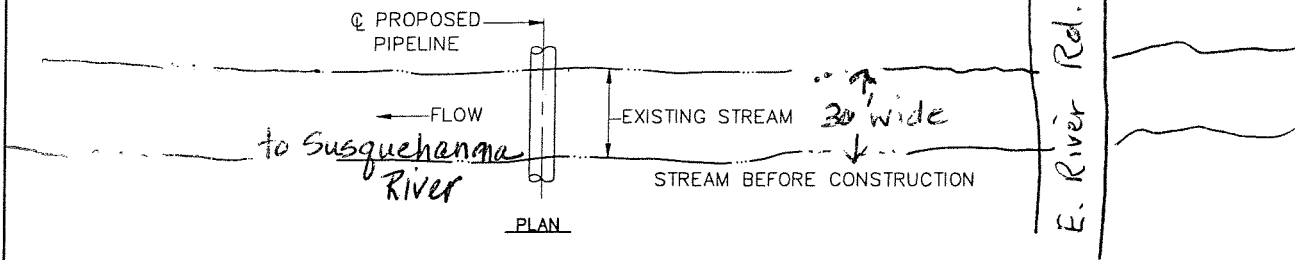
Proposed Wastewater treatment facility

Impacts: Hunts Creek Utility Line Crossing requires 13 cubic yards of fill placed below Ordinary High Water to construct a temporary cofferdam (30 x 6) and temporary impacts associated with trench and backfill method.

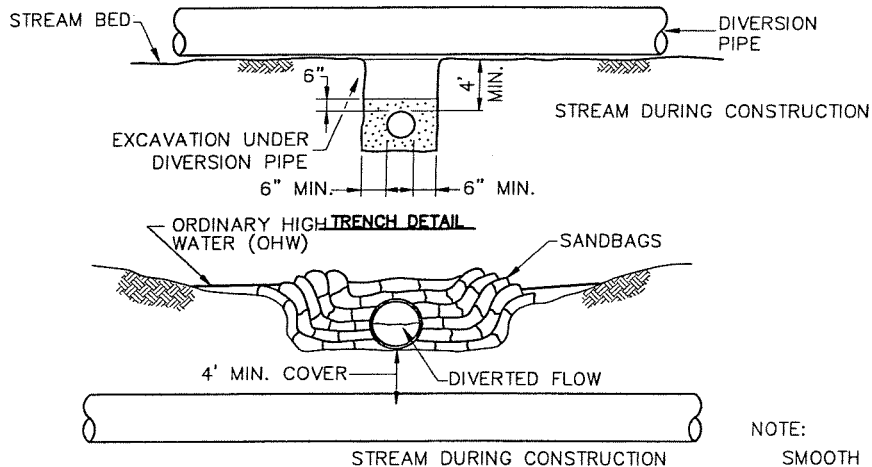
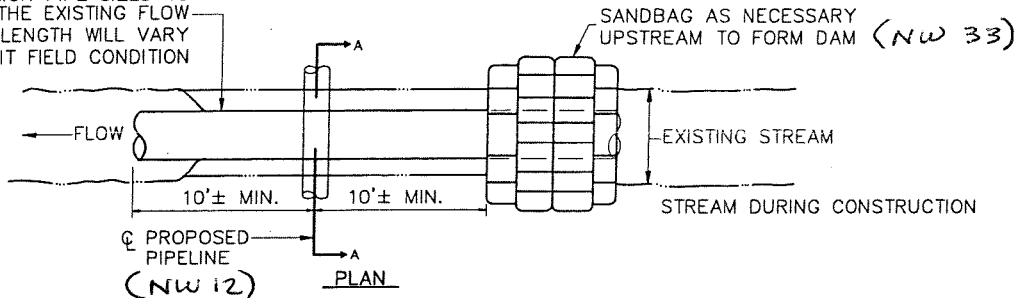
Outfall structure at Susquehanna River Place rip rap at apron at sewer outfall (30 cubic yards) and 50 x 6 temporary cofferdam (22 cyds)



PLAN VIEW
(NTS)



DIVERSION PIPE SIZED TO PASS THE EXISTING FLOW DIAMETER AND LENGTH WILL VARY TO FIT FIELD CONDITION



SECTION A-A

PROJECT IMPACT:
13.3 CUBIC YARDS
BELOW OHW

NOTE:

SMOOTH WALL OR CORRUGATED PIPE OF DIAMETER AND LENGTH NECESSARY TO PASS THE EXISTING FLOW TO BE LAID IN STREAM AND SANDBAGS TO BE PLACED UPSTREAM SO THAT THE STREAM WILL BE INACTIVE WHERE PIPE PLACED.

AFTER LINE IS INSTALLED IN TRENCH AND UNDER STREAM, THE TRENCH WILL BE BACKFILLED. REMOVE DIVERSION PIPE AND SANDBAGS UPON ACCEPTANCE OF WORK.

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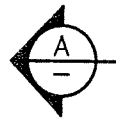
BEST BUY REGIONAL
DISTRIBUTION FACILITY

STREAM CROSSING
HUNTS CR. AT WASTE WATER TREATMENT PLANT

DATE: 3/1/02

FIGURE _

NW 7



Susquehanna River
(Sec. 404)

LIMITS OF ORDINARY
HIGH WATER (OHW)

TEMPORARY SANDBAG
COFFERDAM (13.3 CUBIC
YARDS BELOW OHW)

8" DIP EFFLUENT

RIP RAP

20'

NORMAL
RIVER EDGE

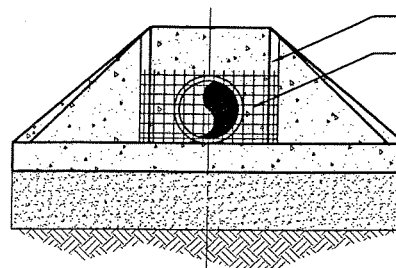
20'

outfall

RIP RAP

20'

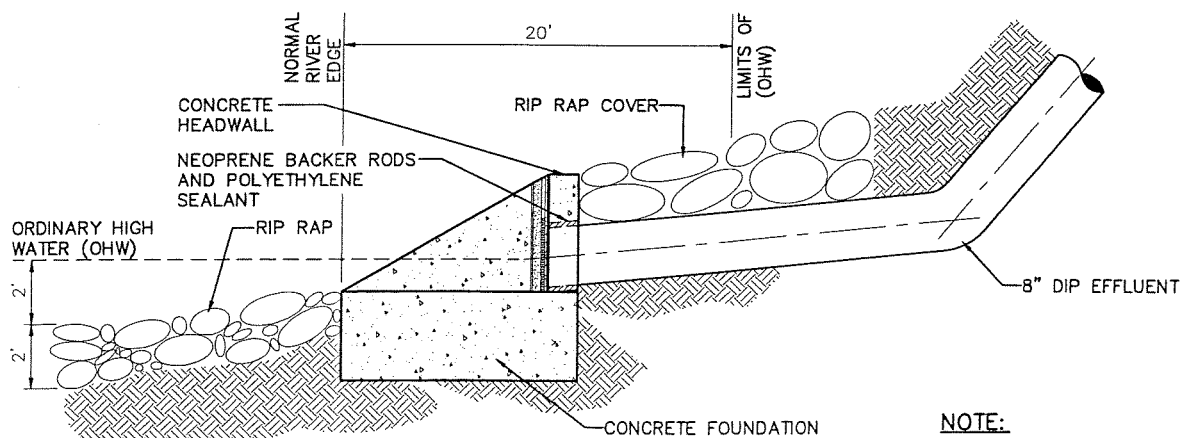
PLAN



SLOTS FOR RODENT SCREEN

3/4" x 1" OPENING
HOT DIP GALVANIZED
EXPANDED METAL
RODENT SHIELD

ELEVATION



NORMAL
RIVER
EDGE

20'

LIMITS OF
(OHW)

CONCRETE
HEADWALL

RIP RAP COVER

NEOPRENE BACKER RODS
AND POLYETHYLENE
SEALANT

RIP RAP

ORDINARY HIGH
WATER (OHW)

2'

2'

8" DIP EFFLUENT

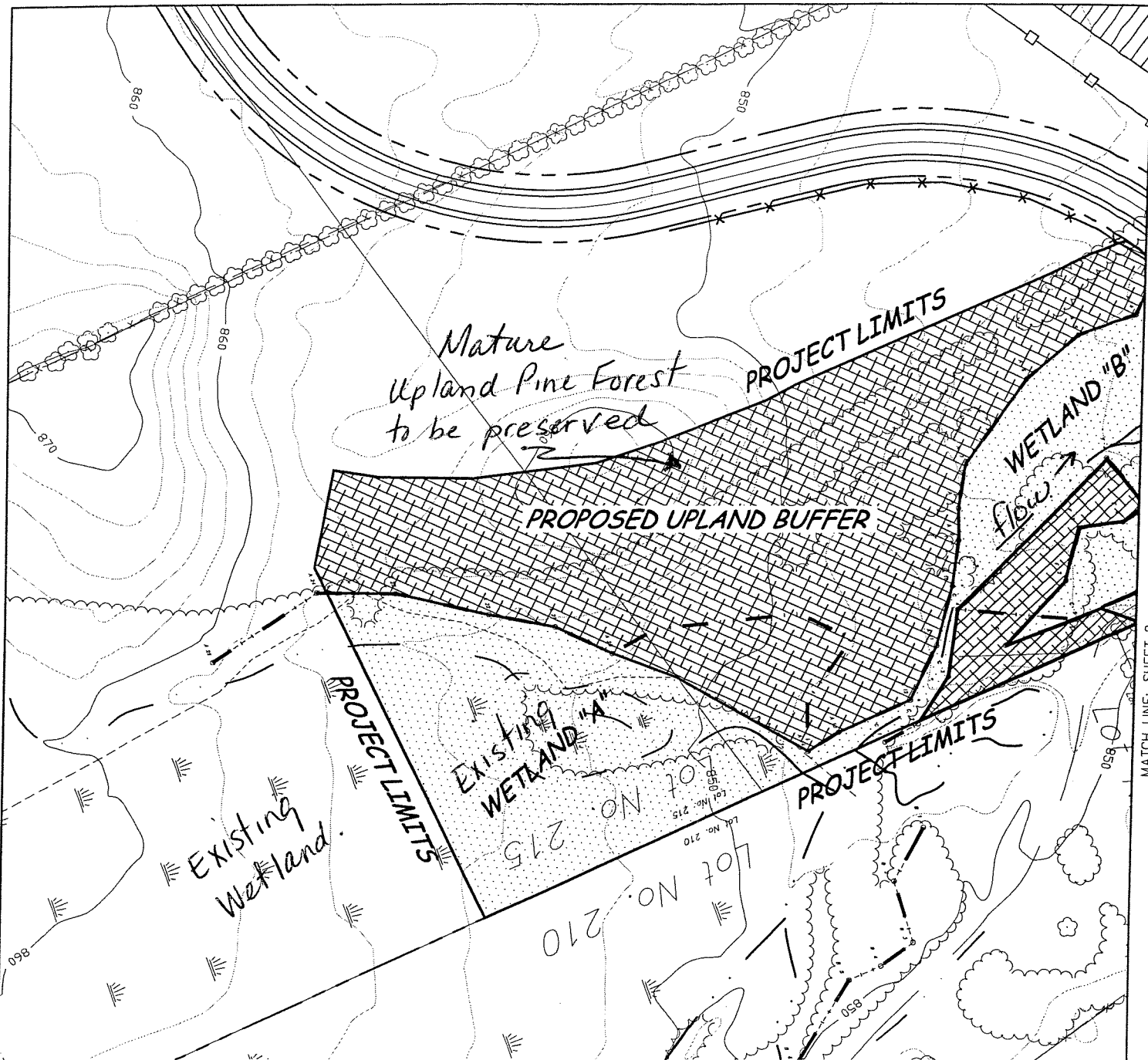
CONCRETE FOUNDATION

SECTION "A-A"

NOTE:
FILL BELOW (OHW) =
44.4 CUBIC YARDS

TIOGA COUNTY IDA
Processing No. 2002-01089(0)
Tioga County, New York
Quad: OWEGO
Sheet 14 of 16

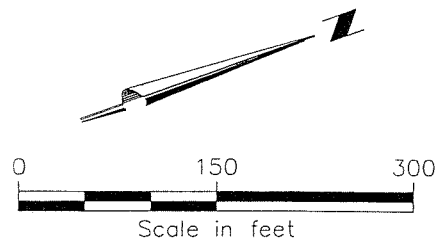
EFFLUENT DISCHARGE STRUCTURE
WASTEWATER TREATMENT PLANT
TO SERVE THE
BEST BUY DISTRIBUTION CENTER



MATCH LINE: SHEET 2

MITIGATION CALCULATIONS

WETLAND CREATION 0.83 ACRES
 STREAM REPLACEMENT 950 FT.
 FLOOD PLAIN CREATION 2.34 ACRES
 UPLAND BUFFER 8.17 ACRES
 SMITH CREEK BUFFER 1.20 ACRES



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SCALE: AS SHOWN

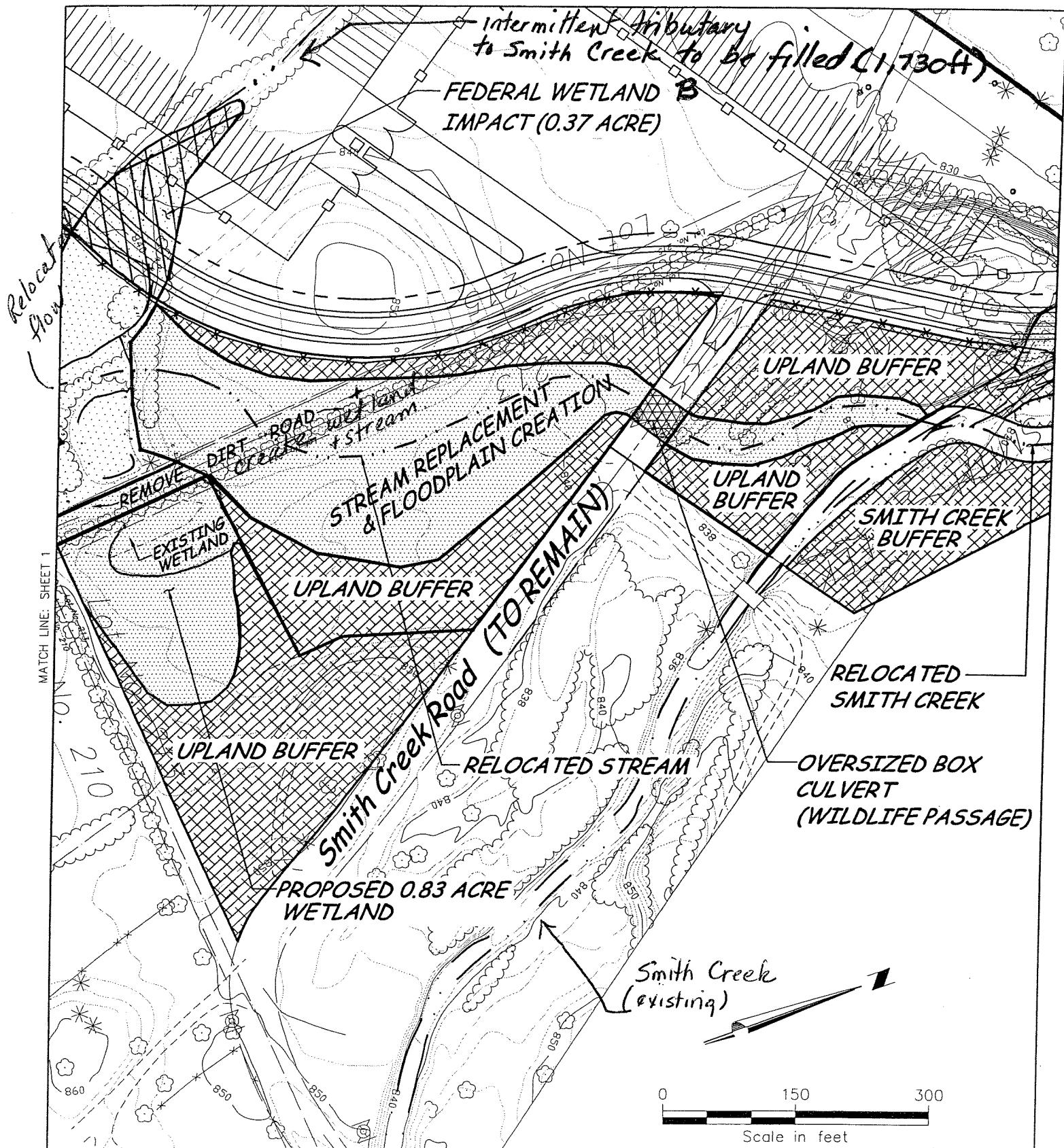
DATE: 3/1/02

REVISED DATE: 03/2002, CMS
 REVISED DATE: 04/2002, GJM

Revised 4/2/02

BEST BUY REGIONAL DISTRIBUTION FACILITY

TIOGA COUNTY IDA
 Processing No. 2002-01089(0)
 Tioga County, New York
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 Sheet 15 of 16



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CHA PROJECT NO.: 11023

SCALE: AS SHOWN

DATE: 3/1/02

REVISED DATE: 03/2002, CMS
REVISED DATE: 04/2002, GJM

BEST BUY REGIONAL DISTRIBUTION FACILITY

TIOGA COUNTY IDA
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